

1 MICHAEL J. McCUE (Nevada Bar No. 6055)
2 mmccue@lrlaw.com
3 JOHN L. KRIEGER (Nevada Bar No. 6023)
4 jkrieger@lrlaw.com
5 STEPHANIE S. BUNTIN (Nevada Bar No. 12339)
6 sbuntin@lrlaw.com
7 LEWIS AND ROCA LLP
8 3993 Howard Hughes Parkway, Suite 600
9 Las Vegas, Nevada 89169
(702) 949-8200
(702) 949-8398 fax

7 Attorneys for LAS VEGAS SANDS CORP.

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10 **UNITED STATES DISTRICT COURT**

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12 **DISTRICT OF NEVADA**

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14 LAS VEGAS SANDS CORP., a Nevada
15 corporation,

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Plaintiff,

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v.

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SANDCASH.COM, an unknown entity,

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Defendant.

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**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

- (1) Trademark Infringement under 15 U.S.C. § 1114
- (2) Cybersquatting under 15 U.S.C. § 1125(d)
- (3) Unfair Competition under 15 U.S.C. § 1125(a)
- (4) Trademark Dilution under 15 U.S.C. § 1125(c)
- (5) State Trademark Infringement under N.R.S. § 600.420
- (6) State Trademark Dilution under N.R.S. § 600.435
- (7) Common Law Trademark Infringement
- (8) Deceptive Trade Practices under N.R.S. § 598.0903, et seq.
- (9) Intentional Interference with Prospective Economic Advantage

For its complaint, LAS VEGAS SANDS CORP. ("LVSC") alleges as follows:

NATURE OF THE CASE

2 This is an action by Las Vegas Sands Corp. (“LVSC”), the owner of the famous SANDS
3 trademark, against <SandCash.com>, which owns and operates a website purporting to be an
4 official LVSC website. Las Vegas Sands Corp. asserts claims for trademark infringement,
5 cybersquatting, unfair competition and trademark dilution under federal statutes, with pendent
6 state and/or common law claims for trademark infringement, trademark dilution, deceptive trade
7 practices, and intentional interference with prospective economic advantage. LVSC seeks
8 damages, attorneys’ fees, costs, and temporary, preliminary and permanent injunctive relief.

JURISDICTION AND VENUE

10 1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C.
11 §§ 1331 and 1338(a). This Court has supplemental jurisdiction over LVSC's state and common
12 law claims pursuant to 28 U.S.C. § 1337(a).

13 2. This Court has personal jurisdiction over Defendant based upon the following: (a)
14 Defendant operates an interactive website on the Internet that is accessible to residents of the
15 State of Nevada; (b) Defendant's website is commercial in nature; (c) Defendant has committed
16 tortious acts that it knew or should have known would cause injury to LVSC in the State of
17 Nevada.

18 3. Venue is proper in the United States District Court for the District of Nevada
19 under 28 U.S.C. §§ 1391(b) and 1391(d). Venue lies in the unofficial Southern division of this
20 Court.

PARTIES

22 4. LVSC is a Nevada corporation that owns and operates resort hotels and casinos in
23 the United States, Macau and Singapore.

24 5. Upon information and belief, SANDCASH.COM is an unknown entity through
25 which the <SandCash.com> domain name was registered with Directi Internet Solutions Pvt Ltd.
26 d/b/a PublicDomainRegistry.com, a domain name registrar, so as to hide the identity of the true
27 registrant.

28 | //

ALLEGATIONS COMMON TO ALL COUNTS

2 6. Based on United States Patent and Trademark Office records, LVSC's
3 predecessors-in-interest claimed first use of the SANDS mark for hotel resorts and casinos in
4 1952. The original Sands Hotel in Las Vegas, Nevada, became famous by attracting numerous
5 celebrities and serving as the setting for several famous Hollywood films, including the original
6 "Ocean's Eleven" movie. LVSC currently owns The Venetian and The Palazzo Resort Hotel
7 Casinos and the Sands Expo and Convention Center in Las Vegas, Nevada; the Sands
8 Bethlehem in Bethlehem, Pennsylvania; the Sands Macao, The Venetian Macao, the Four
9 Seasons Hotel Macao and Sands Cotai Central in Macao; and the Marina Bay Sands in
10 Singapore.

11 7. LVSC owns trademark rights in the SANDS mark, including United States
12 trademark registrations for, among others:

Mark	U.S. Reg. No.	Goods and Services
SANDS	4042291	Hotel, restaurant, bar services, catering services, providing facilities for conventions, banquets, social functions, fund raising and special events.
SANDS	3850500	Casino services; gambling services; gaming services; entertainment services in the nature of boxing contests and art exhibition; arranging of seminars and conferences; educational demonstrations; rental of portable stages; rental of audio-visual equipment; preparation of special effects for trade show booths and exhibitions; entertainment, namely, lighting production.
<i>Sands</i>	1209102	Entertainment Services-Namely, Providing Stage Show, Gambling and Casino Services.
<i>Sands</i>	3838397	Casino services; gambling services; gaming services; Entertainment services in the nature of boxing contests and art exhibitions; arranging of seminars and conferences; educational demonstrations; rental of audio-visual equipment; rental of portable stages; rental of audio-visual equipment; preparation of special effects for trade show booths and exhibitions; entertainment, namely, lighting production.

1		3504043	Providing and rental of exhibition stands and booths including respective equipment; organizing exhibitions for commercial or advertising purposes; planning and conducting of trade fairs, exhibitions and presentations for economic or advertising purposes; consultation relating to trade fairs; rental of advertising space; rental of office machinery and equipment.
2		3930913	Providing convention facilities; Resort hotels
3			
4			
5			
6			
7			
8	VENETIAN	2411454	Hotels, [restaurants,] hotel concierge services, bar services, [security guard services, beauty salons, health spas, massage,] catering services, providing facilities for conventions, banquets, social functions, fund raising, and special events.
9			
10	PALAZZO	3958087	Provision of conference, exhibition and meeting facilities; providing convention facilities; providing facilities for exhibitions; catering services; hotel, bar, restaurant and catering services.
11			
12	PALAZZO	2729637	Hotel services, namely, providing facilities for conventions, conferences, banquets, social functions, fund raising, and special events; and providing hotel lodging services.
13			
14			

15 LVSC also owns a Nevada state trademark registration for SANDS HOTEL & CASINO (Reg. No. TN00250422), as well as common law rights in the SANDS marks. (All the aforementioned marks are collectively referred to herein as the "SANDS Marks".) These federal and state trademark registrations have not been abandoned, canceled, or revoked.

16 8. LVSC uses the SANDS mark in connection with advertising and promoting its properties in the United States and around the world.

17 9. LVSC has expended millions of dollars to promote and advertise the SANDS Marks in print and broadcast media, and on the Internet, including through various websites. Its primary website is located at <lasvegassands.com>. A true and accurate copy of the home page of "Las Vegas Sands" is attached hereto as Exhibit 1, and is incorporated herein by this reference.

18 10. Based on its federal and state trademark registrations and extensive use, LVSC owns the exclusive right to use the SANDS Marks in connection with hotel, casino and related services and goods in the United States.

1 11. The SANDS Marks have become distinctive and famous in the United States and
 2 around the world for resort hotel and casino services.

3 12. On or about April 8, 2012, Defendant registered the <SandCash.com> Internet
 4 domain name with Directi Internet Solutions Pvt Ltd. d/b/a/ PublicDomainRegistry.com, a
 5 domain name registrar. Defendant registered the domain name through a private registration
 6 service that conceals the identity of the Defendant from the public. The <SandCash.com>
 7 domain name incorporates a singular version of SANDS word mark, followed by the generic
 8 term “cash.”

9 13. Some time after registration on April 8, 2012, Defendant created a website by
 10 directly copying substantial portions of LVSC’s official website at <lasvegassands.com>,
 11 including the home page and most of the interior pages (the “SandCash website”). Defendant’s
 12 website is accessible at the <SandCash.com> domain name. A true and accurate copy of the
 13 SandCash website’s home page is attached hereto as Exhibit 2, and is incorporated herein by this
 14 reference.

15 14. The SandCash website copies many elements of LVSC’s website, including use
 16 of some of the SANDS Marks, several photographs, artwork, and text. In addition, the layout of
 17 Defendant’s SandCash website mirrors the layout of LVSC’s website. The website uses the
 18 same font and distinctive sunburst design incorporated in the SANDS design marks. It also uses
 19 an interactive map of LVSC’s properties taken directly from the <lasvegassands.com> website,
 20 and displays identical images of the Venetian, Palazzo, and other LVSC properties. The website
 21 uses the same headings as LVSC’s website, labeled “Corporate Overview,” “Our Properties,”
 22 and “Investor Relations.” Under each of these headings, there are links to pages that contain
 23 content that is identical to the content on <lasvegassands.com>, including verbatim descriptions
 24 of LVSC’s properties and information about LVSC’s management team. As a result, the
 25 SandCash website creates the impression that it is an official LVSC website. True and accurate
 26 copies of LVSC’s web pages and the corresponding web pages from <SandCash.com> are
 27 attached as Exhibit 3, and are incorporated herein by this reference.

28 15. The SandCash website also lists LVSC’s New York Stock Exchange Symbol and

1 includes a “Market Review” section that lists stock exchange and currency exchange
 2 information. *See* Ex. 2. The SandCash website also has an additional header, which cannot be
 3 found on the genuine LVSC website, entitled “Investment.” Under this heading, there is
 4 information about an investment scheme that is unrelated to LVSC. True and accurate copies of
 5 these web pages are attached hereto as Exhibit 4, and are incorporated herein by this reference.

6 16. The SandCash website is in English and is aimed at and accessible within the
 7 United States, including to residents of the State of Nevada. There is a “Member Access”
 8 section of the home page that allows users to input a username and password. *See* Ex. 2. In
 9 addition, the SandCash website provides an email address (investor@SandCash.com) through
 10 which consumers can apparently contact the owner or operator of the SandCash website.

11 17. Upon information and belief, Defendant deliberately and knowingly chose to
 12 register a domain name that incorporates LVSC’s SANDS Mark, because it enjoys decades of
 13 recognition, reputation, and goodwill.

14 18. Upon information and belief, Defendant intentionally copied content from
 15 LVSC’s website in an effort to drive Internet traffic to the website at <SandCash.com> and
 16 mislead consumers into believing that the website is an official website of LVSC.

17 19. Upon information and belief, Defendant intends to defraud consumers into
 18 transferring money to Defendant based on the false representation that they are investing in
 19 LVSC.

20 20. Defendant has not registered and used the aforementioned domain name in good
 21 faith.

22 21. By registering and using a domain name containing LVSC’s trademarks,
 23 Defendant was and is attempting to trade on the goodwill of LVSC.

24 22. By registering and using a domain name containing LVSC’s trademarks,
 25 Defendant was and is creating or attempting to create an association between the
 26 <SanCash.com> domain name and LVSC.

27 23. By registering and using the <SandCash.com> domain name, Defendant was and
 28 is attempting to divert Internet traffic intended for LVSC’s official website to the website at

1 <SandCash.com>.

2 **COUNT I**

3 (Trademark Infringement under
the Lanham Act, 15 U.S.C. § 1114)

4 24. LVSC incorporates the allegations in the preceding paragraphs as if fully set forth
5 herein.

6 25. Defendant has used and/or is using in commerce marks that are the same as or
7 confusingly similar to the SANDS Marks.

8 26. Defendant's use in commerce of the SANDS Marks and/or marks confusingly
9 similar to thereto for its services, and in the <SandCash.com> domain name and on the
10 associated website, constitutes a reproduction, copying, counterfeiting, and colorable imitation of
11 LVSC's trademarks in a manner that is likely to cause confusion or mistake or is likely to
12 deceive consumers.

13 27. By using the SANDS Marks and/or marks confusingly similar thereto with the
14 knowledge that LVSC owns and has used, and continues to use, its trademarks in the United
15 States and around the world, Defendant has intended to cause confusion, cause mistake, or
16 deceive consumers.

17 28. Defendant is using marks that are the same and/or confusingly similar to the
18 SANDS Marks in connection with the sale, offering for sale, or advertising of services in a
19 manner that is likely to cause confusion or mistake, or to deceive consumers as to an affiliation,
20 connection, or association with LVSC, or as to the origin, sponsorship, or approval of
21 Defendant's services or commercial activities by LVSC.

22 29. Defendant is also using marks that are the same and/or confusingly similar to the
23 SANDS Marks in its respective registered domain names to cause initial interest confusion and
24 divert Internet users away from LVSC's website located at <lasvegassands.com>.

25 30. Defendant's use of the SANDS Marks and/or marks confusingly similar thereto
26 has created a likelihood of confusion among consumers who may falsely believe that
27 Defendant's website is associated with LVSC or that LVSC sponsors or approves of Defendant's
28 services or commercial activities.

1 31. As a direct and proximate result of Defendant's infringement, LVSC has suffered,
2 and will continue to suffer, monetary loss and irreparable injury to its business, reputation, and
3 goodwill.

COUNT II

(Cybersquatting under
the Lanham Act, 15 U.S.C. § 1125(d))

6 32. LVSC incorporates the allegations in the preceding paragraphs as if fully set forth
7 herein.

8 33. Defendant has registered, trafficked in, and/or used the <SandCash.com> domain
9 name, which is confusingly similar to and/or dilutive of the SANDS Marks, which were
10 distinctive and/or famous at the time of registration of the domain names.

11 34. Upon information and belief, Defendant has or had a bad faith intent to profit
12 from the SANDS Marks.

13 35. As a direct and proximate result of such conduct, LVSC has suffered, and will
14 continue to suffer, monetary loss and irreparable injury to its business, reputation, and goodwill.

COUNT III

COUNT III
(Unfair Competition under
the Lanham Act, 15 U.S.C. § 1125(a))

17 36. LVSC incorporates the allegations in the preceding paragraphs as if fully set forth
18 herein.

19 37. Defendant's use in commerce of the marks that are the same as and/or
20 confusingly similar to the SANDS Marks in connection with Defendant's website and domain
21 name constitutes a false designation of origin and/or a false or misleading description or
22 representation of fact, which is likely to cause confusion, cause mistake, or deceive as to
23 affiliation, connection, or association with LVSC, or as to the origin, sponsorship, or approval of
24 Defendant's services or commercial activities by LVSC.

25 38. Defendant's use in commerce of the SANDS Marks and/or marks confusingly
26 similar thereto with the knowledge that LVSC owns and has used, and continues to use, its
27 trademarks constitutes intentional conduct by Defendant to make false designations of origin and
28 false descriptions about Defendant's services and commercial activities.

1 39. As a direct and proximate result of such unfair competition, LVSC has suffered,
2 and will continue to suffer, monetary loss and irreparable injury to its business, reputation, and
3 goodwill.

COUNT IV
(Trademark Dilution under
the Federal Trademark Dilution Act, 15 U.S.C. § 1125(c))

6 40. LVSC incorporates the allegations in the preceding paragraphs as if fully set forth
7 herein.

8 41. LVSC's SANDS Marks are famous within the meaning of the Federal Trademark
9 Dilution Act, as amended.

10 42. After the SANDS Marks became famous, Defendant began using marks that are
11 the same as or similar to the SANDS Marks.

12 43. Defendant's use of marks that are the same as or similar to the SANDS Marks is
13 likely to cause dilution by blurring or tarnishment of the SANDS Marks.

14 44. As a direct and proximate result of Defendant's dilution of LVSC's marks, LVSC
15 has suffered, and will suffer, irreparable injury to its business, reputation, and goodwill.

COUNT V
(State Trademark Infringement
under N.R.S. 600.420)

18 45. LVSC incorporates the allegations in the preceding paragraphs as if fully set forth
19 herein.

20 46. Defendant has used and/or is using marks that are the same as or confusingly
21 similar to the SANDS Marks.

22 47. Defendant's use in commerce of the SANDS Marks and/or marks confusingly
23 similar thereto constitutes a reproduction, copying, counterfeiting, and colorable imitation of
24 LVSC's trademarks in a manner that is likely to cause confusion or mistake or is likely to
25 deceive consumers.

26 48. By using the SANDS Marks and/or marks confusingly similar thereto with the
27 knowledge that LVSC owns and uses the SANDS Marks, Defendant has intended to cause
28 confusion, cause mistake, or deceive consumers.

1 49. Defendant is using marks that are the same and/or confusingly similar to the
2 SANDS Marks in connection with the sale, offering for sale, or advertising of services in a
3 manner that is likely to cause confusion or mistake, or to deceive consumers as to an affiliation,
4 connection, or association with LVSC or as to the origin, sponsorship, or approval of
5 Defendant's services or commercial activities by LVSC.

6 50. Defendant is also using marks that are the same and/or confusingly similar to the
7 SANDS Marks in its respective domain name to cause initial interest confusion and divert
8 Internet users away from LVSC's website located at <lasvegassands.com>.

9 51. Defendant's use of the SANDS Marks and/or marks confusingly similar thereto
10 has created a likelihood of confusion among consumers who may falsely believe that
11 Defendant's website is associated with LVSC, or that LVSC sponsors or approves Defendant's
12 services or commercial activities.

13 52. As a direct and proximate result of Defendant's infringement, LVSC has suffered,
14 and will continue to suffer, monetary loss and irreparable injury to its business, reputation, and
15 goodwill.

COUNT VI
(State Trademark Dilution under
N.R.S. 600.435)

18 53. LVSC incorporates the allegations in the preceding paragraphs as if fully set forth
19 herein.

20 54. The SANDS Marks are inherently distinctive. Through their adoption and
21 consistent and extensive use, the SANDS Marks have acquired fame in the State of Nevada.

22 55. Defendant began using marks that are the same as or nearly identical to the
23 SANDS Marks in after the SANDS Marks became famous in the State of Nevada.

24 56. Defendant's use of the SANDS Marks and/or marks nearly identical thereto has
25 and will cause dilution of the distinctive quality of LVSC's trademarks and will otherwise cause
26 irreparable injury to LVSC's business, reputation, and goodwill.

27 57. Upon information and belief, Defendant's use of the SANDS Marks and/or marks
28 nearly identical thereto was willful in nature, in that Defendant intended to cause dilution of the

1 SANDS Marks or willfully intended to trade on the reputation of LVSC.

2 58. As a direct and proximate result of Defendant's dilution of the SANDS Marks,
3 LVSC has suffered, and will suffer, irreparable injury to its business, reputation, and goodwill.

4

COUNT VII

5 (Common Law Trademark Infringement)

6 59. LVSC incorporates the allegations in the preceding paragraphs as if fully set forth
7 herein.

8 60. By virtue of having used and continuing to use the SANDS Marks, LVSC has
9 acquired common law trademark rights in the SANDS Marks.

10 61. Defendant's use of marks the same and/or confusingly similar to the SANDS
11 Marks infringes LVSC's common law rights in its SANDS Marks and is likely to cause
12 confusion, mistake, or deception among consumers, who will believe that Defendant's website
13 originates from, or is affiliated with or endorsed by LVSC, when, in fact, it is not.

14 62. As the direct and proximate result of Defendant's infringement of LVSC's
15 common law trademark rights under Nevada and other common law, LVSC has suffered, and
16 will continue to suffer, monetary damages and irreparable injury to its business, reputation, and
17 goodwill.

18

COUNT VIII

19 (Deceptive Trade Practices
under N.R.S. § 598.0915)

20 63. LVSC incorporates the allegations in the preceding paragraphs as if fully set forth
21 herein.

22 64. Upon information and belief, in the course of conducting its business, Defendant
23 knowingly made false representations as to an affiliation, connection and/or association with
24 LVSC by using a mark identical and/or confusingly similar to the SANDS Marks and otherwise
25 engaged in deceptive trade practices.

26 65. As the direct and proximate result of Defendant's deceptive conduct, LVSC has
27 suffered, and will continue to suffer, monetary damages and irreparable injury to its business,
28 reputation, and goodwill.

COUNT IX
(Intentional Interference with
Prospective Economic Advantage)

66. LVSC incorporates the allegations in the preceding paragraphs as if fully set forth herein.

67. Upon information and belief, at the time Defendant adopted and began using marks that are the same and/or confusingly similar to the SANDS Marks and since that time, Defendant knew and has known that LVSC is in the business of providing hotel and casino services, and advertises these services on the Internet using the SANDS Marks.

9 68. Upon information and belief, Defendant committed acts intended or designed to
10 disrupt LVSC's prospective economic advantage arising from providing these services.

11 69. Defendant's actions have disrupted or are intended to disrupt LVSC's business
12 by, among other things, diverting web users away from LVSC's website redirected from
13 <lasvegassands.com> and to Defendant's domain name.

14 70. Defendant has no legal right, privilege or justification for its conduct.

15 71. As a direct and proximate result of Defendant's intentional interference with
16 LVSC's prospective economic advantage, LVSC has suffered, and will continue to suffer,
17 monetary damages and irreparable injury.

18 72. Based on the intentional, willful and malicious nature of Defendant's actions,
19 LVSC is entitled to recover monetary damages, exemplary or punitive damages and reasonable
20 attorneys' fees and costs incurred in connection with this action.

PRAYER FOR RELIEF

WHEREFORE, LVSC respectfully prays that the Court grant the following relief:

23 A. A temporary restraining order, preliminary and permanent injunction prohibiting
24 Defendant, Defendant's respective officers, agents, servants, employees and/or all persons acting
25 in concert or participation with Defendant, from: (1) using the SANDS Marks or confusingly
26 similar variations thereof, alone or in combination with any other letters, words, letter strings,
27 phrases or designs, in commerce or in connection with any business or for any purpose
28 whatsoever (including, but not limited to, on websites, in domain names, in hidden text and

1 metatags); and (2) registering or trafficking in any domain names containing the SANDS Marks
2 or confusingly similar variations thereof, alone or in combination with any other letters, words,
3 phrases or designs;

4 B. A temporary restraining order, preliminary and permanent injunction requiring the
5 current domain name registrar and/or registry to transfer the <SandCash.com> domain name
6 registration to LVSC and the registrar of its choice;

7 C. An award of compensatory, consequential, statutory, and/or punitive damages to
8 LVSC in an amount to be determined at trial;

9 D. An award of interest, costs and attorneys' fees incurred by LVSC in prosecuting
10 this action; and

11 E. All other relief to which LVSC is entitled.

12 DATED: May 1, 2012.

13 Respectfully submitted,

14 LEWIS AND ROCA LLP

15 By: _____
16 Michael McCue
17 John L. Krieger
18 Stephanie S. Buntin
19 3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
(702) 949-8200

20 Attorneys for Plaintiff